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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,590	09/30/2003	Kerry Sellen	020375-047100US	9932
20350 7590 05/13/2009 TOWNSEND AND TOWNSEND AND CREW, LLP TWO EMBARCADERO CENTER EIGHTH FLOOR SAN FRANCISCO, CA 94111-3834				
EXAMINER				
LEE, SEUNG H				
ART UNIT		PAPER NUMBER		
2887				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/675,590

Applicant(s)

SELLEN ET AL.

Examiner

SEUNG H. LEE

Art Unit

2887

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-98 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-66 is/are allowed.
6) ☒ Claim(s) 67-98 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/CDC)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Receipt is acknowledged of the response filed on October 24, 2008, which has been entered in the file.

Terminal Disclaimer

1. The terminal disclaimer filed on October 24, 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 7108174 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 67-73, 75-76, 81-88, 90-91 and 97-98 are rejected under 35 U.S.C. 102(e) as being anticipated by Koakutsu (US 6902105 B2 - cited by the Applicant).

Re claims 67-73, 75-76, 81-88, 90-91 and 97-98: Koakutsu discloses a method of electronically processing a corporate check received at a merchant location wherein the merchant location is associated with a subscribing merchant, the method comprising:

receiving a check at the merchant location; scanning the received check at the merchant location (fig. 7);

determining at the merchant location whether the scanned check is a corporate check or a non-corporate check based on the presence or absence of an auxiliary on-us field on the check's magnetic ink character recognition (MICR) line (col. 12, lines 20-30);

communicating information about the scanned check from the merchant location to a check processing service wherein the information about the scanned check includes an indicator indicative of the presence or absence of the auxiliary on-us field (i.e., setting the appropriate reading/scanning parameters) (col. 12, lines 30+); and

determining at the check processing service, whether to process the information about the scanned check electronically as a corporate check or a non-corporate check based at least partly on the auxiliary on-us field indicator (fig. 16; col. 12, lines 14-45).

further comprising determining at the check processing service, whether to authorize or decline the scanned check (col. 12, lines 20+).

wherein determining whether to authorize or decline the scanned check as a corporate check comprises determining whether the subscribing merchant is set up to conduct corporate check transactions (fig. 5; steps S508-S510).

wherein the scanned check is processed as a non-corporate check if the subscribing merchant is not set up to conduct corporate check transactions (fig. 16; col. 12, lines 14-45).

wherein determining whether to authorize or decline the scanned check as a corporate check further comprises determining whether the information about the scanned check includes the indicator indicating the presence of the auxiliary on-us field on the scanned check (col. 12, lines 20-30).

wherein the scanned check is processed as a non-corporate check if the indicator does not indicate the presence of the auxiliary on-us field on the scanned check (col. 12, lines 29-30).

further comprising inducing imaging of the check upon determination that the check is a corporate check; wherein a full image of the check is obtained; wherein an image of at least a portion of the check is obtained; further comprising retaining the check image at the check processing service upon determination that the check is to be processed as a corporate check (figs. 13 and 16; col. 11, lines 31+ and col. 12, lines 14-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 74 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu in view of Repak (US 20030229586 A1 - cited by the Applicant).

The teachings of Koakutsu have been discussed above.

Koakutsu has been discussed above but is silent with respect to allows the check processing service to process the check as a cash concentration disbursement (CCD) transaction via an automated clearing house (ACH) if the check is a corporate check.

Repak teaches an Automated Clearing House (ACH) file 135 typically comprises a standard entry class (SEC) code including CCD (cash concentration and disbursement) used for corporate payment applications that provide the ability to

collect and disburse funds and information between companies, CTX (commercial trade exchange) used for corporate payment applications originated by an Originator to pay or collect an obligation of such Originator and destined for the account of another organization (paragraphs [0006] and [0021]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the cash concentration and disbursement method of Repak into the system as taught by Koakutsu in order to provide Koakutsu with a time consumption system wherein in no further action is required (e.g., generating a credit reversal and posted to the account for authorization), thus the user can get the cash instantaneously.

6. Claims 77-80 and 92-95 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu in view of Templeton et al US 5679940 A - cited by the Applicant).

The teachings of Koakutsu have been discussed above.

Koakutsu has been discussed above but is silent with respect to determining whether to authorize or decline the scanned check includes performing a risk assessment of the check transaction, wherein determining whether to authorize or decline the scanned check depends at least to some degree on a level of service subscribed by the merchant, wherein the level of service includes the check processing service guaranteeing checks authorization thereby assuming risks associated with such checks, wherein the level of service includes the check processing service purchasing checks from the merchant thereby assuming risks associated with such checks, wherein

the device comprises a telephone based device configured to perform a financial transaction, respectively.

Templeton et al teaches a transaction system comprises determining whether to authorize or decline the scanned check includes performing a risk assessment of the check transaction, wherein determining whether to authorize or decline the scanned check depends at least to some degree on a level of service subscribed by the merchant, wherein the level of service includes the check processing service guaranteeing checks authorization thereby assuming risks associated with such checks, wherein the level of service includes the check processing service purchasing checks from the merchant thereby assuming risks associated with such checks (col. 11, lines 9+; col. 14, lines 1-27; col. 19, lines 16-34; col. 28, lines 12+); wherein the device comprises a telephone based device configured to perform a financial transaction (figs. 3 and 4; col. 16, lines 47+ and col. 17, lines 20+).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Templeton et al into the system as taught by Koakutsu in order to provide Koakutsu/Repak with a more secure system in which risk assessment system is configured for making a more complete and accurate evaluation of whether to approve or decline a check transaction (i.e., the preferred risk assessment system uses a profitability coring model to evaluate the overall profitability of a transaction and utilizes the result as a key indicator in determining whether to approve or decline a transaction), and therefore an obvious expedient.

7. Claims 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu in view of Lowery (US 6189785 B1).

The teachings of Koakutsu have been discussed above.

Koakutsu has been discussed above but is silent with respect to providing a receipt at the merchant location for the received check, wherein the receipt includes language specific for the corporate or non-corporate check depending on the determination of the type of the scanned check.

Lowery teaches the point of sale printer may be any type of computer printer capable of generating an authorization receipt recording the identification of the merchant, the check 110 information, sale information, and the transaction result (col. 6, lines 12-16).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Lowery into the system as taught by Koakutsu in order to provide Koakutsu with an alternative means for transactions verification (i.e., the transaction data can be verified ready via the information printed on the receipt, which including check information, purchase information, etc.), and therefore an obvious expedient.

Allowable Subject Matter

2. Claims 1-66 are allowed.
3. The following is an examiner's statement of reasons for allowance:

None of prior art teaches a method for processing a corporate check comprising the check processing service, the gateway, the front end device, the authorization location, and the electronic information as presented by the applicant and set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

4. Applicant's arguments filed October 24, 2008 have been fully considered but they are not persuasive.

In response to the applicant argument regarding claims 67-98, the examiner respectfully request to point out what's different between the claimed invention and cited references as discussed above.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEUNG H. LEE whose telephone number is (571)272-2401. The examiner can normally be reached on Monday-Friday, 7:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven S. Paik can be reached on (571) 272-2404. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Seung H Lee/
Primary Examiner, Art Unit 2887